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Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Working Group of the Parties

Twenty-second meeting
Geneva, 19–21 June 2018
Item 5 of the provisional agenda
Accession to the Convention by States from outside the United Nations Economic Commission for Europe region and other relevant developments and interlinkages related to the promotion of the Convention and its principles

Expression of intention by Guinea-Bissau to accede to the Convention*

Note by the secretariat

Summary

The present document was prepared pursuant to decision IV/5, paragraph 4 (d) adopted by the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) at its fourth session (Chisinau, 29 June – 1 July 2011).[1] The document was prepared following the formal written expression of intention by Guinea-Bissau to accede to the Aarhus Convention submitted by the Ministry of Foreign Affairs, International Cooperation and Communities of Guinea-Bissau to the Executive Secretary of the United Nations Economic Commission for Europe.

* This document was submitted late owing late receipt of the letter from Guinea-Bissau regarding its intention to accede to the Convention. The present document is being issued without formal editing.

[1] See ECE/MP.PP/2011/2/Add.1

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I. General considerations

1. Article 19, paragraph 3, of the Convention provides the possibility for States that are not members of the Economic Commission for Europe (ECE) to become Parties to the Convention, upon approval by the Meeting of the Parties. Through the adoption of decision IV/5 (Chisinau, 29 June – 1 July 2011), the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) established a procedure to guide the accession of the States from outside the ECE region.[2]

2. In accordance with paragraph 4 (c) of decision IV/5, upon completion of the internal decision-making process, the State concerned, through the ministry responsible for foreign affairs, shall submit its formal written expression of intention to accede to the Convention to the Meeting of the Parties, through the Executive Secretary of the ECE, at least eight months in advance of the next session of the Meeting of the Parties. This written expression should be accompanied by a description of activities already undertaken or planned to be undertaken by the State concerned relating to the accession to the Convention and to the implementation of its provisions. In addition, paragraph 2 of the decision states that the minimum legal and other appropriate measures required to implement the Convention should be in place, so as to ensure that the State concerned is in a position to comply with its obligations at the time of the entry into force of the Convention for that State. Finally, paragraph 4 (d) of the decision foresees that the secretariat shall prepare a note reflecting the information provided by the State concerned for consideration by the Working Group of the Parties.

II. Expression of intention by Guinea-Bissau to accede to the Convention

3. The formal interest of Guinea-Bissau to accede to the Convention was reported by the secretariat to the Working Group of the Parties at its twentieth meeting (Geneva, 15–17 June 2016). Taking note of the information received, the Working Group welcomed the interest of Guinea-Bissau in acceding to the Aarhus Convention and invited the Government of Guinea-Bissau to consider the steps required to proceed with accession in accordance with decision IV/5 of the Meeting of the Parties.

4. In order to be considered as a candidate for accession at the sixth session of the Meeting of the Parties (Budva, Montenegro, 11–13 September 2017) the documents referred to in paragraph 2 above had to be submitted by Guinea-Bissau before 11 January 2017. The Working Group further discussed this matter at its twenty-first meeting (Geneva, 4–6 April 2017). The secretariat informed the meeting about recent developments regarding the formal interest of Guinea-Bissau to accede to the Convention. At the time of the meeting, the Government was reviewing its national legislation and developing a road map for its accession. However, Guinea-Bissau was not ready to prepare the required documents, namely the formal written expression of intention to accede to the Convention and the accompanying documents (see paragraph 2 above), and to submit its request for accession to the Convention to the Meeting of the Parties for its sixth session in accordance with the deadline set through decision IV/5. A delegate of Guinea-Bissau was also present at those meetings and provided additional information on the progress achieved.

[2] See ECE/MP.PP/2011/2/Add.1

5. Pursuant to paragraph 4 (c) of decision IV/5, a report on a preliminary assessment of the institutional, policy and legal framework of Guinea-Bissau [3] was prepared as to provide the Meeting of the Parties at its sixth session with this information. This report described the activities already undertaken or planned to be undertaken by the country relating to the accession to the Convention and to the implementation of its provisions, including the adoption of new legislation or the amendment of the existing one.

6. In accordance with paragraph 4 (c) of decision IV/5, a formal written expression of intention to accede to the Convention was submitted by the Ministry of Foreign Affairs, International Cooperation and Communities of Guinea-Bissau to the ECE Executive Secretary on 26 April 2018. In accordance with paragraph 4 (d) of the decision, the secretariat prepared this present note reflecting the information provided by Guinea-Bissau for consideration by the Working Group of the Parties at its twenty-second meeting.

[3] See ECE/MP.PP/2017/47